



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

June 20, 2008

GENERAL LETTER NO. 17-C(3)-2

ISSUED BY: Division of Child and Family Services

SUBJECT: Employees' Manual, Title 17, Chapter C(3), **ADDITIONAL CASE PLANNING INFORMATION**, Topic 3: "Reasonable Efforts," page 2, revised.

Summary

This letter reflects legislative changes to Iowa Code sections 232.102, "Transfer of legal custody of a child and placement," and 232.116, "Grounds for termination," as a result of Senate File 2212, enacted by the 2008 session of the Iowa General Assembly.

This Code change allows the court to consider a prior termination of parental rights that occurred in another state to a child in the same family as an aggravated circumstance to waive reasonable efforts, or as grounds to file termination of parental rights.

Effective Date

July 1, 2008

Material Superseded

Remove the following page from Employees' Manual, Title 17, Chapter C(3), and destroy it:

Page

Date

Topic 3

2

May 4, 2007

Additional Information

Refer questions about this general letter to your area social work administrator.

- ◆ Diligence of efforts: Did the state agency make affirmative and diligent efforts to offer and provide services?
- ◆ Agency constraints: Were there any constraints on the state agency's service delivery?

Aggravated Circumstances

Situations that qualify as "aggravated circumstances" and may furnish grounds for a judge to waive efforts to reunify the child with the parents include the following:

- ◆ The parent has abandoned the child.
- ◆ The parent has been convicted of:
 - A felony assault that resulted in serious bodily injury to the child or a sibling; or
 - The murder or voluntary manslaughter of the child's sibling; or
 - Aiding or abetting, attempting, conspiring in, or soliciting the commission of the murder or voluntary manslaughter of the child's sibling.
- ◆ The parent's parental rights have been terminated for another child in the same family in Iowa or in another state, and there is clear and convincing evidence that the offer or receipt of services would not be likely to correct the conditions that led to the child's removal.
- ◆ The child meets the definition of a child in need of assistance based on a finding of physical or sexual abuse or neglect as a result of the acts or omissions of one or both parents, and there is clear and convincing evidence that both:
 - The abuse or neglect posed a significant risk to the child's life or constituted imminent danger to the child, and
 - The offer or receipt of services would not correct the condition that led to the child's abuse or neglect within a reasonable period.

Offer evidence to the county attorney to present to the court to show that reasonable efforts have been made or to justify a finding of "aggravated circumstances." Presentation of this evidence in reports and testimony will provide specific information for judges to include in reasonable effort findings in their court orders.